

Sixth Appellate District

San Jose, California

MONDAY, SEPTEMBER 8, 2003

H025634 PEOPLE v. SUPERIOR COURT (PEACOCK)

Let a peremptory writ of mandate issue directing respondent court to vacate its order denying the peremptory challenge to the Honorable Ronald T. Lisk, and to enter a new order disqualifying Judge Lisk from presiding in any proceedings in People v. Peacock, Superior Court Nos. CC104200/CC117876. Upon finality of this decision, the previously issued temporary stay order is vacated. (not published)

(Bamattre-Manoukian, J.; We concur: Premo, Acting P.J., Wunderlich, J.)

Filed September 8, 2003

H024558 GILBERT, et al. v. GREMMINGER

The judgment of dismissal is reversed. Plaintiffs are entitled to their costs on appeal. (not published)

(Elia, Acting P.J.; We concur: Wunderlich, J., Mihara, J.)

Filed September 8, 2003

H023877 PEOPLE v. TRAN

The judgment is affirmed. (not published)

(Bamattre-Manoukian, J.; We concur: Rushing, P.J., Premo, J.)

Filed September 8, 2003

TUESDAY, SEPTEMBER 9, 2003

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Premo, Acting P.J.; Elia, J.; Bamattre-Manoukian, J.; and S. Nasson, Deputy Clerk.

H023955 GOODMAN v. CITY OF SAN JOSE

Cause called and argued by Sylvia Velez appearing for Appellant and by Robert Fabela, Deputy City Attorney, appearing for Appellant. Cause ordered submitted.

H024220 CREDIT RESEARCH, INC. v. EXPERIAN INFORMATION SOLUTIONS, INC., et al.

Cause called and argued by Ralph Wegis appearing for Appellant and by Laura Uddenberg and Daniel McLoon appearing for Respondents. Cause ordered submitted. Bamattre-Manoukian, J. leaves the bench. Wunderlich, J. takes the bench.

Sixth Appellate District

San Jose, California

Tuesday, September 9, 2003 (continued)

H023716 VAN'T ROOD v. COUNTY OF SANTA CLARA

Cause called and argued by Craig Bassett appearing for Appellant and by David Kahn, Deputy County Counsel, appearing for Respondent. Cause ordered submitted.

H022750 MOLES v. GOURLEY, as Director, etc.

Cause called and argued by Karen Donald, Deputy Attorney General, appearing for Appellant and by Walter MacDonald appearing for Respondent. Cause ordered submitted. Court is in recess until 1:30 p.m.

H019719 PEOPLE v. TOTARI

The superior court's orders denying defendant's motions to vacate are reversed. On remand, the superior court shall hold a new hearing on defendant's motions. (published)
(Mihara, J.; We concur: Rushing, P.J., Elia, J.)
Filed September 9, 2003

H024530 SHEN, et al. v. WONG, et al.

The judgment is reversed. Respondents shall bear costs on appeal. (not published)
(Elia, Acting P.J.; We concur: Wunderlich, J., Mihara, J.)
Filed September 9, 2003

The Court reconvened at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California.
Present: Premo, Acting P.J.; Elia, J.; Bamattre-Manoukian, J.; and Jane V. Flor, Deputy Clerk.

H024765 PEOPLE v. FARBER

Cause called and argued by Peter F. Goldscheider appearing for Appellant and by Morris Lenk, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H024931 PEOPLE v. PALACIOS

Cause called and argued by Victor D. Vertner appearing for Appellant and by Nanette Winaker, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H024914 PEOPLE v. ANDREWS

Cause called and argued by Pamela Schwartz Cohen appearing for Appellant and by Nancy H. Tung, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

Sixth Appellate District

San Jose, California

Tuesday, September 9, 2003 (continued)

H025053 STUETZLE v. GALIN

Cause called and argued by John A. W. Halley appearing for Appellant and by David W. Seiff appearing for Respondent. Cause ordered submitted.

H024174 GARZA v. GOURLEY, as Director, etc.

Cause called and argued by Karen L. Donald, Deputy Attorney General, appearing for Respondent and by Arthur Dudley appearing for Appellant. Cause ordered submitted.

H025322 NORDIN v. FLEMING, as Trustee, etc.

Cause called and argued by James Efting appearing for Appellant and by Clarence Hobart McProud appearing for Respondent. Cause ordered submitted. Court is adjourned.

H023513 CAZ DEVELOPMENT COMPANY v. GALEB

The amended judgment is affirmed. (not published)
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J.,
Wunderlich, J.)

Filed September 9, 2003

H024758 In re JAMES M.; DFCS v. LARRY M.

The orders appealed from are affirmed. (not published)
(Wunderlich, J.; We concur: Elia, Acting P.J., Mihara, J.)
Filed September 9, 2003

H023960 PEOPLE v. DEAL

The judgment is reversed and the matter is remanded for proceedings consistent with this opinion. (not published)
(Premo, J.; I concur: Rushing, P.J.; I concur in the judgment only: Bamattre-Manoukian, J.)

Filed September 9, 2003

H021971 PEOPLE v. BAUMONT INVESTMENTS, LTD., et al.

(Filed order modifying opinion.) The petition for rehearing is denied. There is no change in the judgment. (published)
(Wunderlich, J.; Premo, Acting P.J., Elia, J.)

Filed September 9, 2003

Sixth Appellate District

San Jose, California

WEDNESDAY, SEPTEMBER 10, 2003

H024843 PEOPLE v. BERNAL

The judgment in case number SS010277A is modified to reduce the section 1202.4 restitution fine to \$200 and to reduce the suspended section 1202.45 restitution fine to \$200. The judgment in case number SS0020125 is modified to reduce the section 1202.4 restitution fine to \$200 and to reduce the suspended section 1202.45 restitution fine to \$200. As modified, the judgment in each case is affirmed.

(Mihara, J.; We concur: Rushing, P.J., Wunderlich, J.)

Filed September 10, 2003

THURSDAY, SEPTEMBER 11, 2003

H024600 Marriage of BRINKMAN

The judgment is reversed and the matter remanded for proceedings consistent with this opinion. Costs are awarded to appellant. (published)

(Premo, J.; We concur: Rushing, P.J., Bamattre-Manoukian, J.)

Filed September 11, 2003

H024169 PEOPLE v. LEE

The judgment is reversed. (not published)

(Elia, Acting P.J.; We concur: Wunderlich, J., Mihara, J.)

Filed September 11, 2003

H024392 PEOPLE v. LEE

The judgment is affirmed. (published)

(Bamattre-Manoukian, J.; I concur: Premo, J. with Concurring opinion; Dissenting opinion by: Rushing, P.J.)

Filed September 11, 2003

H024865 COUNTY OF SANTA CLARA v. WILSON

The trial court's order is reversed, and the trial court is directed to amend its order to reinstate the arrearages for the months beginning with December 2001 up until the filing of Wilson's motion in April 2002. The parties shall bear their own costs on appeal. (published)

(Mihara, J.; We concur: Rushing, P.J., Wunderlich, J.)

Filed September 11, 2003

Sixth Appellate District

San Jose, California

Thursday, September 11, 2003 (continued)

H025167 PEOPLE v. WARE

The order is affirmed. (not published)
(Mihara, J.; We concur: Elia, Acting P.J., Wunderlich, J.)
Filed September 11, 2003

FRIDAY, SEPTEMBER 12, 2003

H025931 PEOPLE v. BRICKER

The judgment is affirmed. (not published)
(Mihara, J.; We concur: Rushing, P.J., Wunderlich, J.)
Filed September 12, 2003

H022877 PEOPLE v. TIANO

H022942 PEOPLE v. SUPERIOR COURT (TIANO)

The judgment is affirmed. The petition for writ of mandate is denied. (not published)
(Premo, J.; We concur: Rushing, P.J., Bamattre-Manoukian, J.)
Filed September 12, 2003

H024499 PEOPLE v. LOPEZ

The judgment is affirmed. (not published)
(Bamattre-Manoukian, J.; We concur: Premo, Acting P.J., Elia, J.)
Filed September 12, 2003

H024965 PEOPLE v. MEDINA

The judgment is reversed, and the matter is remanded to the trial court for a recalculation of defendant's custody credits. (not published)
(Mihara, J.; We concur: Elia, Acting P.J., Wunderlich, J.)
Filed September 12, 2003

H025561 PEOPLE v. DANIEL B.

By the Court:

Pursuant to the request of appellant, the submission order dated September 3, 2003, is hereby vacated. The matter will be set for oral argument on a date and time to be advised.

Dated: September 12, 2003 Rushing, P.J.